



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Anthony V. Cruz

Serial No.: 09/435,407-5322

Group Art Unit: 2162

Filed: November 8, 1999

Examiner: S. Gravini

Docket No.: 0198

For: PORTABLE ELECTRIC HAIR DRYER
AND MOUNT THEREFOR

RECEIVED

JUL 10 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Technology Center 2100

SECOND INFORMATION DISCLOSURE STATEMENT,
 RESPONSE TO EXAMINER'S ACTION OF MARCH 27, 2001, AND
CORRECTION OF STATEMENT IN THE RECORD

Sir:

Information Disclosure Statement

In further compliance with the duty of disclosure as set forth in 37 CFR §1.56, it is requested that the examiner consider the references listed in the four sheets of Form 1449 submitted herewith. Copies of the listed references, except for Reference AR, are submitted herewith. Reference AR is a collection of photographs that was previously submitted with the first Information Disclosure Statement.

The newly cited art includes various hair dryer and wall mounts therefor, including applicant's design patents D427,726

CERTIFICATE OF MAILING

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By MARYLYN GIBAS
Marylyn Gidas
 Date June 29, 2001

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and D436,690 (References AC" and AD") that relate to the same hair dryer assembly to which the instant application is directed.

Reference AW is a use and care manual for a Sunbeam model 1626-40 hair dryer. This appears to be the same hair dryer as that shown in the Sunbeam patent 6,026,590. The examiner will note that the only power switch is on the wall mount. There is a slide switch operating member on the hair dryer handle, but that is used for fan-motor speed adjustments. The position of the slide switch operating member is unaffected when the hair dryer is placed on the wall mount.

Accompanying the Office Action dated March 27, 2001, was a copy of an information disclosure form that identified a Reference AR, which consisted of photographs of a Jerdon hair dryer and wall mount product. The Jerdon wall mount includes outwardly projecting triangular plates that enter into slots in the handle of the hair dryer, forcing a power switch in the hair dryer handle to be turned off if one should assemble the hair dryer on the mount while the hair dryer is turned on. The examiner crossed out Reference AR because no publication date was provided. However, the photographs were taken for purposes of information disclosure to show the Jerdon hair dryer and wall mounting assembly which is admitted to be prior art. The date of the Reference AR photographs, which have never been published, should be of no interest. The date the Reference AR product was

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made public is unknown, but the product is admitted to be prior art relative to applicant's invention. In view of the admission that the product is prior art, the examiner is requested to reconsider the refusal to consider this prior art. Accordingly, the enclosed disclosure forms again identify a Reference AR, which is the same as the previously submitted collection of photographs.

With further regard to the Jerdon product shown in the photographs of Reference AR, new Reference AV is a copy of a page of a catalog published in 1994, that shows a similar Jerdon hair dryer. The photographs, Reference AR, and the foregoing description of the power switch operation of the product are believed to constitute a better disclosure than the advertisement, Reference AV. Counsel suggests that the examiner consider both References AR and AV in view of the known publication date of Reference AV and the admission that Reference AR is prior art.

Response to Examiner's Action

Reconsideration of this application requested.

This application was filed with 16 claims. Of these, claims 1-5, 8-12, 15 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Andis, US patent 5,590,475, and anticipated by Picozza et al., US patent 6,026,590. The remaining claims 6,

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7, 13 and 14 were rejected under 35 U.S.C. 103, as being unpatentable over Andis or Picozza et al. in view of Chan, US patent 5,857,263.

The examiner is urged to reconsider these rejections in view of the following comments. Claim 1, which is the only independent claim in the application, recites a portable electric appliance having a handle and a power switch mounted on the handle including an operating member which can be manually moved into a position to open the switch to deenergize the appliance. Claim 1 further recites a wall mount comprising a one piece, molded plastic body having a front face having a switch-engaging surface portion adapted to engage the switch operating member to open the power switch if an attempt is made to assemble the appliance onto the wall mount when the power switch is closed.

Because of applicant's construction, a user of the hair dryer of this invention can simply insert the hair dryer "nose first" onto the wall mount. If the hair dryer happens to be operating at that time, the hair dryer power switch is automatically opened by the engagement between the switch operator and the front face of the wall mount. Thus an inexpensive, one-piece wall mount, the use of which is self-evident, and a complementary hair dryer is provided by this invention. Hair dryers and wall mounts are often installed as convenience items in hotel and motel guest rooms. The ease with

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which the hair dryers may be used and replaced on the wall mounts, even by those who have no prior experience with the product, is a significant advantage of applicant's construction.

The Andis '475 patent shows a construction in which a hair dryer has to be inserted facing sideways into a wall mount and a switch operator on the hair dryer handle is forced to a closed position, not by engagement with the front face of the wall mount, but by engagement of the switch operator with a cradle surface that is transverse to the front face. That being the case, the claims which the examiner rejected as fully anticipated by Andis are not, in fact, fully anticipated.

With regard to the Section 102(b) rejection based on the Picozza et al. '590 patent, the examiner's assertion that Picozza et al. show an off/on switch that would be operated by placement of the hair dryer on the wall mount is simply without foundation. Lacking such disclosure by Picozza et al., claims 1-5, 8-12, 15 and 16 rejected as anticipated by Picozza et al. are clearly not anticipated.

For the foregoing reasons, the rejections of all of claims 1-5, 6-12, 15 and 16 under 35 U.S.C. 102(b) were improper and should be withdrawn.

The Chan '263 patent does not teach any modification of Andis or Picozza which would overcome the shortcomings of Andis and Picozza et al. mentioned above. Although Chan shows an

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appliance with a switch-operating member on a handle, the switch operating member is not engaged by the mounting member. Therefore, the rejections of claims 6, 7, 13 and 14 should also be withdrawn.

Correction of Statement in the Record.

The following statement appears in the first full paragraph on page 3 of the "Information Disclosure Statement and Response to Examiner's Action of September 11, 2000" filed February 14, 2000:

"Claim 1 is not anticipated by Picozza, which does not even disclose a switch operating member on an appliance handle and, a fortiori, therefore does not have a switch-engaging surface on the front face of a wall mount."

The quoted language is accurate with respect to the Picozza et al. '590 patent but the Sunbeam hair dryer shown in Reference AV includes a fan-motor speed control switch on the dryer handle. In this respect, the quoted language is misleading as to the state of the art. However, the term "switch" used in quoted language was intended to refer to a power switch, there being no other switch requiring to be operated upon placement of a hair dryer on a wall mount. Thus, the quoted language could better have read:

"Claim 1 is not anticipated by Picozza, which does not even

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disclose a power switch operating member on an appliance handle and, a fortiori, therefore does not have a power switch-engaging surface on the front face of a wall mount."

As noted above, the position of the operator for the speed control switch on the Sunbeam unit, Reference AV, is not affected by the engagement between the hair dryer and the wall mount.

Favorable action is requested.

Respectfully submitted,



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